



U.S. Application 09/274,953

Response to Status Letter Reply dated June 20, 2003

Date of Response: November 18, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Itzik BEN-BASSAT et al.

Application No.: 09/274,953

Group Art Unit: 2711

Filed: March 23, 1999

Examiner: Sun Huynh

For: Satellite Communication Card

Atty Docket: 003955.00068

PETITION TO REVIVE FOR UNINTENTIONAL ABANDONMENT
UNDER 37 CFR §1.137(b)

Attention: Office of Petitions
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition to revive the above-referenced unintentionally abandoned application under 37 CFR §1.137(b).

The above-referenced application was unintentionally abandoned as of December 13, 2002, the day after the expiration of the three-month period for response to the Office Action dated September 12, 2002. Applicants submit that neither they nor their undersigned representative received the Office Action prior to the application going abandoned.

To satisfy the requirement of 37 CFR §1.137(b):

1. Applicants submit herewith a response to the outstanding office action and a three-month extension of time;
2. Applicants authorize the Commissioner to charge the requisite fee of

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\$1,300 for this petition under 37 CFR §1.17(m) to Banner & Witcoff's Deposit Account 19-0733. As outlined below, in the event that the failure of Applicants' prior legal representatives or the undersigned attorneys to receive the Office Action dated September 12, 2002 is deemed to be the fault of the U.S. Patent & Trademark Office, refund of this fee and the extension fess are respectfully requested.

3. Applicants submit that, in accordance with 37 CFR §1.137(d) (3), an accompanying Terminal Disclaimer is not required;

4. Applicants submit that the entire delay in filing the Response by the due date (December 12, 2002) until the filing of this petition to revive under 37 CFR §1.137(b) was unintentional.

5. The above referenced application was filed on March 23, 1999 by the law offices of Dr. Mark Friedman Ltd. Dr. Friedman filed a Status Inquiry in the application on November 1, 2000, the Status Letter Reply from the U.S. Patent & Trademark Office indicated that the Applicant could expect a Response by March 2001. On January 3, 2003, the undersigned attorney submitted a Revocation and Power of Attorney and simultaneously filed a Status Inquiry. No response to the January 3, 2003 status inquiry was received. A Second Request for Status Inquiry was filed on May 8, 2003.

On June 20, 2003, Applicants received a Status Letter Reply from the U.S. Patent and Trademark Office indicating that a non-final Office Action had been sent on September 12, 2002.

No copy of such an Office Action was found in the undersigned attorney's files. Undersigned attorneys contacted Applicant's prior legal representatives to determine if a

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copy of this Office Action had ever been received. The prior representatives indicated that they had never received a copy of the non-final Office Action dated September 12, 2002.

In view of the fact that Applicants' undersigned representatives had filed a Status Inquiry on January 3, 2003, and noting that the period for responding to the outstanding Office Action of September 12, 2002 could have been extended up to and including March 12, 2003, Applicants submit that a timely response to the Status Inquiry would have made Applicants' undersigned representatives aware of the fact that there was an outstanding Office Action before the expiration of the six month period for response. The delay in sending a Response to the Status Inquiry until June 20, 2003, after the expiration of the six-month period for response, by the U.S. Patent Office, made it impossible for the undersigned representatives to file a Response within the statutory period. As a result, Applicants submit that the fact that neither the present nor previous representatives had ever received a copy of the Office Action from the U.S. Patent & Trademark Office, and the fact that the failure of the U.S. Patent & Trademark Office to respond promptly to the Status Inquiry, made it impossible for Applicants' representatives to file a Response within the statutory period mitigating the abandonment of this application. Consequently, Applicants submit that the present Petition for Revival be granted and that the fees for the present petition be refunded.

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In view of the above, Applicants respectfully request revival of the above-captioned application, which was unintentionally abandoned on December 13, 2002.

Respectfully submitted,



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DWR:jljg

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